The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS BY STATES PARTIES (agenda item 4) (continued)

Initial report of the Netherlands (continued) [CRC/C/51/Add.1; HRI/CORE/1/Add.66; CRC/C/Q/NET/1 (list of issues); Written replies of the Government of the Netherlands to questions raised in the list of issues (document with no symbol distributed in the meeting room in English only)]

In the absence of Mrs. Mboi, Mrs. Mokhuane took the Chair.

1. At the invitation of the Chairperson, the members of the delegation of the Netherlands resumed their places at the Committee table.

2. The CHAIRPERSON invited the delegation of the Netherlands to resume its replies to the Committee's questions.

3. Mr. HALFF (Netherlands), replying to a question remaining from the first round, said that the Netherlands total development aid budget was approximately $3 billion, $5.5 million of which had been made available to programmes for the promotion of children's rights in 1998 and 1999; in 1999 an additional $5 million had been allocated to programmes to combat child labour.

4. Turning to questions from the second round, he said he appreciated Mr. Fulci's concerns regarding the level of representation of the Netherlands delegation to the Committee and would communicate them to his Government, but pointed out that Netherlands delegations to all United Nations treaty bodies had always been headed by diplomats. In reply to Mr. Fulci's question on measures to avoid discrimination against foreign children, he referred the members to his delegation's earlier reply to question 27 of the list of issues.

5. With regard to Mrs. Tigerstedt-Tähtelä's suggestion that the Netherlands involve NGOs in the drafting of its reports, as he had stated at the preceding meeting, he did not agree that such an approach would be useful. Many NGOs endorsed his views and preferred to retain their independence. In reply to another question, he reiterated that the Netherlands Antilles was a fully autonomous entity and that the Hague had no more than a technical involvement in the preparation of its report to the Committee.

6. His delegation had taken due note of Mrs. Sardenberg's concerns regarding the manner in which the Netherlands Government coordinated implementation of the Convention and would transmit them to his Government. He also wished to assure Mrs. Sardenberg that his Government listened to and learned from NGOs and appreciated the role they played in the implementation of the Convention.

7. The Netherlands had entered a reservation to article 26 of the Convention because it felt that the article might be interpreted as giving children an individual right to social security. Concerning a question about raising the age of admission to the military, he said that there were no plans to raise the present age limit, which was 17.

8. The children's reading programme was still in progress, hence there had not yet been a final evaluation. In addition to that programme, the Netherlands conducted a children's book week to promote reading, and young people were involved in the general selection of books for prizes. Concerning a question about violence in schools, he referred the members to his delegation's written reply to question 25 of the list of issues.

9. Mr. JANSEN (Netherlands), replying to a question by Mrs. Karp, confirmed the fact that children 16 years and older were considered to have reached majority for medical purposes. For children younger than 16, the consent of both parents and child was needed for medical treatment. In cases involving serious danger to the child, it was not mandatory to obtain the parents' consent to medical treatment, and the parents might not even be informed. In cases of sexual abuse by parents, a formal complaint was no longer necessary to initiate proceedings, although one had to be furnished by the Child Care and Protection Board before the end of the proceedings. The formal complaint requirement would be abolished altogether in the near future. As to the lodging of complaints of abuse in custodial institutions, he referred to the delegation's written replies. Complaints could be submitted to the supervisor on duty for the month, with right of appeal to the full supervisory committee. The bill on custodial institutions would essentially preserve that system, but would expand it to include mediation, which the Government felt was the best means of resolving conflicts.

10. The affiliation law had come into effect on 1 April 1998. Children who denied the paternity of their presumed biological fathers ceased to have a legal father and came under the parental responsibility of their mothers, although in most cases children were recognized by their real fathers.

11. The "best interests of the child" was an important issue in the Netherlands, in both legislation and practice. From his experience as a court judge, for example, he knew that right of access of a parent to a child was rarely denied, except in cases involving serious danger to the child. Regarding the training of juvenile judges in the Convention, he said that the law curriculum included domestic and international family law, and that judges' training included training in the Convention and family law in general.

12. In reply to another question, he said that the Netherlands reservation to the International Covenant on Civil and Political Rights had become obsolete and that the Government would consider its withdrawal.

13. Like other countries the Netherlands had considered the possibility of introducing a blanket prohibition of corporal punishment by parents or other persons; it had decided that such prohibition would be of a symbolic nature and had not introduced it for the time being. Corporal punishment in custodial institutions was used only when safety was at risk and as a last resort. In the rare cases where it was used, it was carefully monitored and the Child Care and Protection Board was always informed.

14. Children received either their father's or their mother's surname, a decision which had to be taken at the latest when the child's birth was registered. If a couple was unable to agree on the name, the child was given

the father's surname. That system might be disappointing to women, but it had raised no serious problems to date, and in any event cases where a couple was unable to agree were rare.

15. To combat discrimination in general, there was a special bureau within the justice system, headed by a public prosecutor, whose role was to prevent discrimination against children of foreign origin. Discrimination was also combated through a series of activities at the local level, such as exchange programmes between schools and centres for asylum-seekers.

16. Mr. HALFF (Netherlands), replying to a question about the media's role in disseminating the Convention, said that the Netherlands television and radio educational channel was preparing an extensive radio programme on the rights of the child, consisting of 10 broadcasts, each dealing with one right.

17. Mr. van LOON (Netherlands) said that he represented the international affairs department of the Ministry of Health, Welfare and Sport, but that a series of departments were responsible for the formulation of youth policies. Participation of young people was an important issue at the national level, and policy was based on a new style of administrative agreement between the central, provincial and community levels of Government. The central Government was responsible for providing a framework for youth participation policies and the other levels for developing those policies. The provinces were responsible for policy development in the field of youth services and the communities concentrated on preventive or general youth policies. There was an ongoing four-year (1998-2002) project called Local Youth Policy, whose aim was to promote participation, to which the Government had allocated 3 million guilders, or $1.15 million. He noted that the provincial and community governments funded youth policies through their regular budgets.

18. No special funding was provided for the involvement of NGOs in youth participation policies. NGOs were able to influence policy-making through regular channels such as parliamentary procedure. Because the Government was aware of the importance of participation in policy implementation by the beneficiaries themselves, a document on youth participation was being prepared, aimed at involving young people in the policy-making process; it would be submitted to Parliament in November or December 1999. In the framework of a structured dialogue established by his Government with NGOs, his ministry regularly consulted NGOs on policy making in a series of fields, including policies relating to youth. The National Youth Debate 1995-1997 continued annually, essentially as an agenda-setting event aimed at keeping the debate alive. There was no special Government policy in the area of training of professionals working with youth. Such training was included in the educational institutions' regular curricula.

19. Replying to questions on violence and pornography transmitted through the media, including the Internet, he said that Parliament, recognizing the harmful effects such activity could have on young people, had amended the Media Act and had set up a ministerial council to frame additional policy in that regard. An intergovernmental working party had also been formed to identify policy goals for the future.

20. However, it was difficult to strike a balance between ensuring freedom of expression and protecting young people from violence and pornography. In the end, it had been decided to make monitoring self-regulatory, at all levels. Indeed, it was the responsibility of parents to monitor what their children were exposed to in the media. That, of course, did not relieve the Government of its role as provider of the means by which parents could effectively perform that role. In fact, an organization had recently been established to classify video material and films and decide what was fit for children's viewing. Furthermore, Dutch criminal law had been revised to cover criminal offences committed via new electronic media, including the Internet.

21. Lastly, the issue of child abuse reporting centres and reportedly long waiting lists had been raised in the media. As a result, Parliament had requested the Junior Minister of Health, Welfare and Sports to investigate the matter. As it appeared that there were no reliable data as to the number of people on waiting lists, a new information system had been set up to improve available statistics. The Junior Minister had conceded that if the situation was indeed as claimed, then something had to be done. In addition, child abuse reporting centres and youth services bureaux received supplementary funding from the provinces and larger cities and it was expected that those amounts could total 30 million guilders by 2000.

22. The CHAIRPERSON reminded the delegation of the outstanding questions that remained unanswered and asked Mrs. Karp to clarify the question she had posed.

23. Mrs. KARP said that one crucial question that remained to be answered related to information provided to children. Indeed, one of the main points raised by the children who had attended the pre-sessional meeting had been that often the children's right to information was not respected.

24. Mrs. Mboi took the Chair.

25. The CHAIRPERSON invited the members of the Committee to ask follow-up questions on general principles and civil rights and freedoms.

26. Mrs. KARP, returning to the issue of children's right to information, pointed out that there was no focal point in the Netherlands where children could obtain information. The existing written material was not sufficient; children needed to have a place where they could have their questions answered, especially concerning issues which they would prefer not to discuss with their parents or on which parents themselves were ill-equipped to give answers, such as AIDS.

27. Turning to youth participation, she asked why the old programme had been replaced by a new one and, supported by Mrs. Ouedraogo and Mrs. Sardenberg, whether children's views had been consulted in that regard.

28. Mrs. TIGERSTEDT-TÄHTELÄ, referring to the four objectives set by the new Government (page 14, written replies) and which targeted low-income families, asked for the latest information in that respect and whether parents had been involved in the process.

29. Mr. RABAH said he would like to know whether there had been any precedent of the Convention being directly or indirectly invoked in Dutch family or juvenile courts.

30. Mrs. SARDENBERG said she welcomed the information on non-governmental organization (NGO) participation and hoped that such participation would also apply to national policies. She applauded the Youth Participation Programme and wondered whether it had taken the Convention into account and whether there had been a budget allocation for its implementation. She acknowledged that ensuring youth participation was not an easy task. It was one that required research and evaluation, since it was not just a question of becoming acquainted with children's views but also of incorporating them into policies.

31. She asked for clarification as to how implementation of the provisions of the Convention was harmonized between the different levels of Government. Furthermore, in relation to the child abuse reporting centres, were the public relations campaign and telephone helplines already in place? The Committee had received information to the effect that women were the objects of discrimination at work and wondered what measures had been employed to correct that situation. She requested information on the 20/20 initiative, and asked whether there was a public debate on euthanasia for children over 12 years. What were the views of the different sectors of society on that subject?

32. The CHAIRPERSON reminded the delegation that questions remained to be answered with regard to racial discrimination in schools and paternity.

33. Mrs. OUEDRAOGO stressed the need for young people to be involved directly in policies and decisions that affected them and inquired as to the composition and functioning of the youth councils.

34. Mrs. TIGERSTEDT-TÄHTELÄ asked whether youth counselling centres were handled at the municipal or regional level. Perhaps waiting lists were long because counselling was dealt with at the regional level, whereas counselling, by nature, should be offered as quickly as possible.

35. Mrs. KARP wondered whether the campaign undertaken to root out violence in schools was to become a permanent feature.

The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.

36. Mr. HALFF (The Netherlands) thanked the Chairperson for reminding his delegation about outstanding questions but explained that in order to answer some of them the delegation needed to make contact with The Hague. In other cases the answers would have to be submitted in writing at a later date. Replying to the question on the 20/20 initiative, he said that he was aware of the initiative but was not sure how it related to the Convention. He questioned the relevance of women's issues, raised by Mrs. Sardenberg, to the current discussion about children's issues, as they appeared to fall outside the scope of the meeting, but added that the delegation was trying to obtain information about women at the workplace.

37. Mrs. SARDENBERG pointed out that very often women's and children's issues were intimately related. For instance, female part-time employment

might be linked to the lack of day-care facilities. What was more, efforts were being made to integrate the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. However, it was left up to the discretion of the delegation to answer the question or not.

38. Mr. HALFF (Netherlands), turning to the question related to violence in schools, said that the "Safe Schools" campaign was expected to end in 2000 and would be evaluated at that point. Perhaps the problem would not have been completely eliminated by then but violence in schools would remain an important priority in Government policy.

39. Mr. JANSEN (Netherlands), addressing the issue of dual criminality, said that a Dutch citizen could be prosecuted in another country if the offence committed was a criminal offence in that country as well. Otherwise, it would be difficult to gather evidence. Clearly the issue was not an easy one and required a lot of thought.

40. The CHAIRPERSON explained that if, for example, a Dutch paedophile committed an offence in Indonesia, there might be an extra-territorial agreement that would allow Indonesia to prosecute that person in collaboration with the Dutch authorities. Some countries had already signed such agreements and she hoped that the Netherlands would follow suit.

41. Mrs. KARP pointed out that since the Stockholm Conference a number of countries had changed their views on the matter of dual criminality and that it was now incumbent upon all civilized societies to ensure that they did not in any way condone the violation of children's rights.

42. The CHAIRPERSON said that the laws on sexual exploitation were quite weak in a number of countries but that ILO Convention No. 182 on the worst forms of child labour pressed even poorer countries to introduce such laws.

43. Mr. JANSEN (Netherlands) said that despite the difficulties inherent in the prosecution of those involved in child prostitution, the Government had had some success in past years. The Committee's advice in that regard was welcome. An evaluation of the complaints procedures which had first come into force in December 1997 and an assessment of the participation of children in youth institutions had been scheduled for the year 2000. In cases where it was proven that a father was not the biological father of a child, the father, the child or the mother could each take legal action to deny paternity. The child would subsequently be without a legal father, unless some adoption procedure was undertaken or, in the case of the biological father, unless he officially recognized the child. In some cases fathers were unwilling to recognize their children. Although the technical means existed to establish paternity, the State could not do much to alter the father's will and ensure that he would care for the child.

44. Reference was often made to the Convention when decisions were taken regarding the best interests of refugee children. As to whether the Convention itself was self-executing, the Supreme Court had yet to reach a final decision. At best, the Court might find that some of its provisions were self-executing, but certainly not all. In early August 1999 a bill had been introduced in Parliament which would give children over 16 the right to request euthanasia without the parents' consent. The same bill would make it

possible for a doctor, with the consent of the parents, to allow a child over the age of 12 to request euthanasia, provided he determined that the child had sufficient understanding. Many children in such circumstances would be particularly mature for their age. The bill, which had of course been drafted with the best intentions, had given rise to a nationwide debate, and its passage was not certain.

45. Mr. van LOON (Netherlands) said that when it had first been drafted, the bill had not given children under the age of 16 the right to request euthanasia. It had been modified at the request of the Council of State, which issued advisory opinions on all draft laws before they went to Parliament. The Council of State had reasoned that since children between the ages of 12 and 16 who were deemed to be responsible were already entitled to refuse medical treatment at that age, the bill's provisions should be brought into line with that policy. In any event, euthanasia without parental consent was unthinkable in the case of a child under 16.

46. Everyone had the opportunity to influence policy through the work of NGOs, correspondence, political demonstrations or other activities. In the specific case of youth policy, the annual National Youth Debate played an important role in agenda-setting. A structured dialogue was being established for the discussion of international policy, and consideration was being given to the establishment of a similar mechanism for drawing up national policy. A conference had already been held on that subject, and had called for NGOs and private companies to play a greater role not only in drawing up policy, but also in implementation.

47. The central Government was implementing a four-year project whereby it provided about US$ 1.5 million in annual subsidies to the association of local communities for an integrated youth policy programme. Generally, provinces and communities paid for their youth projects from means distributed to them by the central Government and from their own tax revenues.

48. Mrs. TIGERSTEDT-TÄHTELÄ, moving on to the subject of family environment and alternative care, said that she understood that there were long waiting lists for foster care, and that the Government intended to enter into multi-year agreements with the other parties involved. Perhaps the delegation could explain what those agreements would entail. The separate custodial institutions were apparently divided respectively into care and treatment centres, and their capacities were adjusted annually based on demand forecasts. Were those forecasts made by the central Government, the provinces or local municipalities? How was demand estimated, and how was the information conveyed from the base to the central planners? What were the financial implications?

49. Mrs. KARP asked whether the new policy paper on participation included budgetary provisions. The Committee had observed that the promotion of child participation required infrastructure and training, for which budgetary allocations had to be made. The question of euthanasia was very complex. Did the Government think it advisable to leave it up to a single doctor to decide whether a child of 16 was sufficiently mature and responsible to opt for euthanasia? Had the Government considered the possibility of manipulation or abuse by private doctors who acted in their own interests instead of those of the child? Perhaps the decision should rest with Government services instead.

50. When a child was removed from the family and placed in an institution, were there any procedures to give the child counselling, to ensure that the child's views would be taken into account and to provide the child with sufficient information? What mechanisms existed to guarantee that the care institution acted in the best interests of the child, and not only in the best interests of the institution itself? Did the Government have any plan of action to address the problem of child mortality among minority groups, which was higher than the national average?

51. Mr. FULCI asked whether any research had been conducted into the situation of children raised in non-traditional families, and specifically into their education, care and above all psychological development. Referring to the fact that nearly all the children adopted in the Netherlands were foreigners, he asked whether the Government could provide a list of the countries of origin. Were there some countries which generally sent more children for adoption?

52. Mr. RABAH referred to the abduction of children from broken homes and their illegal transfer to other countries. Had the Netherlands entered into any bilateral international agreements to ensure that the best interests of such children were taken into account while such cases were pending before the courts?

53. Mrs. OUEDRAOGO, noting that a programme for improving the quality of life of children living in care institutions had been set up by the Ministries of Education, Culture and Science and of Justice, asked how the situation had evolved vis-à-vis the programme's objectives and the recommendations made by the committee set up by the two ministries to improve the monitoring of child-care institutions. Secondly, while aware that the Ministry of Justice was responsible for adoption in general, she wondered how national and intercountry adoptions were followed up and by what mechanism. She would also like to know what solutions had been found to the confidentiality and other problems besetting the Child Care and Protection Advisory Board. She asked whether any of the projects discontinued precisely on account of those problems had been resumed. Given that mistreatment was still on the increase, had any studies been conducted to discover its root causes? And what would be done to reduce it?

54. The findings of the scientific study carried out on psychosocial diagnoses in alleged cases of sexual violence against children had not been available at the time the report had been drafted. Could the delegation inform the Committee of the broad outlines of those findings and of the main recommendations formulated? Referring to reports of sexual violence in schools, as stated in paragraph 172 of the Netherlands report, she wished to know what was being done to remedy that state of affairs; what the current situation was; what punishment had been meted out to the offending teachers; and what steps were being taken to prevent its recurrence. On the subject of breastfeeding, she said that since many women gave birth at home - and therefore lacked monitoring or appropriate encouragement - and the milk-substitute companies conducted such massive publicity campaigns, making the Netherlands one of the countries with the lowest breastfeeding rate in Europe, she wished to know whether the authorities had any plans to improve its policy for the promotion of breastfeeding, which was far better for children's health.

55. Mrs. KARP asked what AIDS prevention and counselling services were available to children, the Committee having heard from some children that they were required to pay for tests or counselling. Along similar lines, she wished to know who paid private doctors for medical consultations sought by children, when availing themselves of their right to consult a doctor without their parents' consent. How was that right exercised in practical terms? She also understood that there were long waiting lists for mental-health examination or treatment for children referred by the courts. She asked whether the Netherlands had capacity problems as regards juvenile mental-health facilities, and whether such facilities existed countrywide. What were the rules governing children's ability to contest their admission to a mental hospital, even with parental consent? What avenues could they explore to have the decision reviewed?

56. Mrs. SARDENBERG, agreeing with Mrs. Karp on the complex issue of euthanasia, was interested to know whether it was a subject of public debate in the Netherlands and whether children could participate. In that connection, she called for clarification of an earlier reply by the delegation concerning the National Youth Debate, which contradicted the report, where it was described as an important event attended by the Prime Minister and other dignitaries, with the participation of youth panels and individual children, and culminating in a plethora of proposals. Why, then, had the delegation described it as a merely media event?

57. Mr. FULCI, following up Mrs. Ouedraogo's question, said that promotion of breastfeeding comprised three main aspects: the need for positive education, information and promotion of its advantages; the need to counter the negative impact of the commercial marketing of milk substitutes; and most importantly, the need to warn HIV-infected mothers that the disease was transmissible through breast milk. How were those three aspects, especially the last, being addressed by the Dutch authorities? The horrible problem of female genital mutilation, usually associated with developing countries, especially in Africa, was currently rearing its ugly head in the industrialized countries as a result of immigration. He had been happy to read in the report that the Netherlands regarded the practice as a form of oppression of women and that a national female circumcision information and consultation centre had been set up in 1993.

58. It was his understanding that the problem arose chiefly with women and girls from Somalia, who constituted the largest refugee group in the Netherlands. What kind of strategy was the centre developing for directly informing refugee women and girls? He asked the delegation to share with the Committee its assessment of the implementation of the country's anti-excision measures, and to say how the affected women had responded. How did living in a modern industrialized society influence that traditional practice among immigrant women? Had the Dutch Government undertaken any research in that area?

59. Mrs. TIGERSTEDT-TÄHTELÄ, referring to violence against and neglect of children, welcomed the statement, contained in the reply to question 20 on the list of issues, that a working group on child-abuse reporting centres had been set up in 1994 by the Ministers/State Secretaries for Justice and for Health, Welfare and Sport, who had submitted a position paper to the Lower House of Parliament in mid-1998, endorsing the working group's comprehensive definition of the term "child abuse". However, considering that 16,000 cases had been

reported in 1998, she wondered whether, if the subject was taboo in the Netherlands, there might not be thousands more that had gone unreported. Also, given the stated aim of establishing a countrywide network of centres by the beginning of 2000, she asked how many had been created so far, and whether they would be the responsibility of the central Government or the local authorities. She asked for an explanation as to why the media, which was an ideal source of awareness-raising of the problem, would be involved only at a much later stage.

60. She wondered when the Government intended to make its promised budget increase in connection with its "client-based" health budgeting. Would it do so during the forthcoming budget period? The report had stated that there were some 58,000 households - including 100,000 children - currently living below the poverty line. Had any research been conducted to determine the cause of that poverty, especially as it affected the health of children?

61. Mrs. OUEDRAOGO, returning to the issue of female genital mutilation, cited the report's statement that preventive measures were being taken, but without any clarification of how matters currently stood as a result of those measures. She understood that children of immigrants were sent back to their countries of origin for the operation and later returned to the Netherlands. How was the Government addressing that situation?

62. Mrs. KARP, turning to education, leisure and cultural activities, said that, while aware that pupil-participation structures existed in secondary education, she wished to know whether the same was true for primary education. If not, were there any plans to expand them? Human rights in general, and children's rights in particular, appeared to be taught exclusively as an adjunct to other subjects. Also, in view of the provision that they should form an obligatory part of the school curriculum, teacher-training curricula for both education levels should include appropriate methods of teaching children's rights as such. It was never too early to institute that branch of education. If it were confined to secondary education, that would imply that primary schoolchildren were incapable of comprehending human rights. From information she had received, it appeared that budget cuts had caused a radical reduction, if not the abolition, of health-care services provided in some primary schools. If that was the case, what was being doing to supplement children's access to such care?

63. Mrs. SARDENBERG, citing the reference in the written replies to a "National Protocol on Bullying" and a "Bullying Test", wished to know exactly what the latter entailed and how it tied in with the Protocol.

64. Mr. FULCI called on the delegation to corroborate or refute information he had received to the effect that 2.5 per cent of all new teacher enrolments in the country were reserved for homosexuals.

The meeting rose at 5.40 p.m.